

REMARKS

At the time of the Office Action dated November 22, 2004, claims 1-19 were pending. In this Amendment, claims 1-9 and 11-19 have been amended. Care has been exercised to avoid the introduction of new matter.

Claims 1-7, 9-14, 18 and 19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Durkee.

In the statement of the rejection, the Examiner asserted that Durkee discloses a control system having transmitter-receiver sets for operating functional device over power lines identically corresponding to what is claimed.

It is well established precedent that the factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

Based on the above legal tenet, Applicants submit that Durkee does not disclose a power line carrier system, a power branch apparatus and a method for performing a power line communication including all the limitations recited in independent claims 1, 18 and 19, as amended.

Claims 1, 18 and 19 recite “the power branch device controls the power line communication to pass a power line carrier signal in the first signal only in the built-in power line, and allow a power line carrier signal in the second signal mode to pass in the in-house

external power line.” The power branch device can pass the power line carrier signal in the first signal mode in the built-in power line, but prevent the power line carrier signal in the first signal mode from being leaked to the in-house external power line.

Durkee does not disclose the above limitation. Durkee discloses a system for communicating through an electric power line. The system includes a set of a transmitter unit and a receiver unit. Those units are connected to the electric power line in order to control the switching of power supply to a device (D1, D2, D3,... in Fig. 1). The transmitter unit is associated with a switch, and the receiver unit is connected to the device. In order for plural transmitter-receiver sets to control plural devices, a plurality of frequency channels and a plurality of time slots corresponding to each channel are provided (column 7, lines 5 to 25, and column 22, lines 6 to 26). To each transmitter-receiver set, one frequency channel and one time slot imposed on the frequency channel are assigned. The receiver unit receives a signal of the assigned frequency channel, but does not receive a signal of the unassigned frequency channel. Durkee does not disclose that the receiver unit receives the signal of the unassigned frequency channel, and does not receive the signal of the assigned frequency channel. Therefore, it is apparent that the reference is silent as to whether or not the power line carrier signal in the first signal mode is allowed to pass in the built-in power line, but is prevented from being leaked to the in-house external power line, recited in the claims.

Accordingly, Durkee does not identically disclose the claimed invention in claims 1, 18 and 19 within the meaning of 35 U.S.C. §102. Dependent claims 2-7 and 9-14 are patentably distinguishable at least because they respectively include all the limitations of independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 1-7, 9-14, 18 and 19, and favorable consideration thereof.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Durkee.

The Examiner asserted that an electric device including all the limitations recited in claim 8 would have been obvious over Durkee.

It is settled that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicants submit that an electric device including all the limitations recited in claim 8 is not taught or suggested in Durkee because, for the reason set forth above, the reference does not teach or suggest an electric device including all the limitations recited in claim 1, upon which claim 8 depends. Applicants, therefore, respectfully solicit withdrawal of the rejection of claim 8 and favorable consideration thereof.

Claims 15-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Durkee in view of Motoori.

The Examiner asserted that an electric device including all the limitations recited in claim 15-17 would have been obvious over the proposed combination of Durkee and Motoori.

However, Applicants submit that an electric device including all the limitations recited in claims 15-17 is not taught or suggested in the proposed combination. *See In re Royka*, 490 F.2d 981. Durkee does not teach an electric device including all the limitations recited in claim 1, upon which claims 15-17 depend. Motoori discloses a system for monitoring quality of signals transmitted through a transmission line, but does not cure the deficiencies of Durkee.

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Therefore, Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 15-17 and favorable consideration thereof.

Conclusion.

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



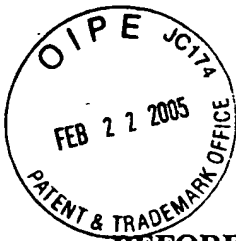
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Recognition under 37 C.F.R. 10.9(b)

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Expires: June 1, 2006

Harry I. Moatz

Director of Enrollment and Discipline